

**Kristina Lawson, Chair
Panel B**

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8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the First Amended Accusation
Against:

14 **PETER JONATHAN ROGERS, M.D.**
15 2618 San Miguel Dr. #440
Newport Beach, CA 92660

16 **Physician's and Surgeon's Certificate No. A**
17 **47822**

18 Respondent.

Case No. 800-2017-033770

OAH No. 2018051002

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Steve Diehl,
26 Supervising Deputy Attorney General.
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2. Respondent Peter Jonathan Rogers, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about December 4, 1989, the Board issued Physician's and Surgeon's Certificate No. A 47822 to Peter Jonathan Rogers, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 800-2017-033770, and will expire on July 31, 2019, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2017-033770 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on September 24, 2018. Respondent timely filed his Notice of Defense contesting the First Amended Accusation.

5. A copy of First Amended Accusation No. 800-2017-033770 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in First Amended Accusation No. 800-2017-033770. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. 800-2017-033770.

4 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
6 Disciplinary Order below.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Medical Board of California.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
10 Board of California may communicate directly with the Board regarding this stipulation and
11 settlement, without notice to or participation by Respondent. By signing the stipulation,
12 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
13 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
14 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
15 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
16 the parties, and the Board shall not be disqualified from further action by having considered this
17 matter.

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
20 signatures thereto, shall have the same force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following
23 Disciplinary Order:

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 47822 issued
26 to Respondent Peter Jonathan Rogers, M.D. is revoked. However, the revocation is stayed and
27 Respondent is placed on probation for three (3) years on the following terms and conditions.

28 1. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,

1 Respondent shall submit to the Board or its designee for prior approval the name and
2 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
3 has a doctoral degree in psychology and at least five years of postgraduate experience in the
4 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
5 undergo and continue psychotherapy treatment, including any modifications to the frequency of
6 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

7 The psychotherapist shall consider any information provided by the Board or its designee
8 and any other information the psychotherapist deems relevant and shall furnish a written
9 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
10 psychotherapist with any information and documents that the psychotherapist may deem
11 pertinent.

12 Respondent shall have the treating psychotherapist submit quarterly status reports to the
13 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
14 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
15 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
16 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
17 period of probation shall be extended until the Board determines that Respondent is mentally fit
18 to resume the practice of medicine without restrictions.

19 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

20 2. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
21 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
22 where: 1) Respondent merely shares office space with another physician but is not affiliated for
23 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
24 location.

25 If Respondent fails to establish a practice with another physician or secure employment in
26 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
27 Respondent shall receive a notification from the Board or its designee to cease the practice of
28 medicine within three (3) calendar days after being so notified. The Respondent shall not resume

1 practice until an appropriate practice setting is established.

2 If, during the course of the probation, the Respondent's practice setting changes and the
3 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
4 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
5 If Respondent fails to establish a practice with another physician or secure employment in an
6 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
7 shall receive a notification from the Board or its designee to cease the practice of medicine within
8 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
9 appropriate practice setting is established.

10 3. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
11 Respondent shall provide a true copy of this Decision and First Amended Accusation to the Chief
12 of Staff or the Chief Executive Officer at every hospital where privileges or membership are
13 extended to Respondent, at any other facility where Respondent engages in the practice of
14 medicine, including all physician and locum tenens registries or other similar agencies, and to the
15 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage
16 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within
17 15 calendar days.

18 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

19 4. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
20 NURSES: During probation, Respondent is prohibited from supervising physician assistants and
21 advanced practice nurses.

22 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
23 governing the practice of medicine in California and remain in full compliance with any court
24 ordered criminal probation, payments, and other orders.

25 6. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
26 under penalty of perjury on forms provided by the Board, stating whether there has been
27 compliance with all the conditions of probation.

28 Respondent shall submit quarterly declarations not later than 10 calendar days after the end

1 of the preceding quarter.

2 7. GENERAL PROBATION REQUIREMENTS.

3 Compliance with Probation Unit

4 Respondent shall comply with the Board's probation unit.

5 Address Changes

6 Respondent shall, at all times, keep the Board informed of Respondent's business and
7 residence addresses, email address (if available), and telephone number. Changes of such
8 addresses shall be immediately communicated in writing to the Board or its designee. Under no
9 circumstances shall a post office box serve as an address of record, except as allowed by Business
10 and Professions Code section 2021(b).

11 Place of Practice

12 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
13 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
14 facility.

15 License Renewal

16 Respondent shall maintain a current and renewed California physician's and surgeon's
17 license.

18 Travel or Residence Outside California

19 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
20 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
21 (30) calendar days.

22 In the event Respondent should leave the State of California to reside or to practice
23 ,Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
24 departure and return.

25 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
26 available in person upon request for interviews either at Respondent's place of business or at the
27 probation unit office, with or without prior notice throughout the term of probation.

28 9. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or

1 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
2 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
3 defined as any period of time Respondent is not practicing medicine as defined in Business and
4 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
5 patient care, clinical activity or teaching, or other activity as approved by the Board. If
6 Respondent resides in California and is considered to be in non-practice, Respondent shall
7 comply with all terms and conditions of probation. All time spent in an intensive training
8 program which has been approved by the Board or its designee shall not be considered non-
9 practice and does not relieve Respondent from complying with all the terms and conditions of
10 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
11 on probation with the medical licensing authority of that state or jurisdiction shall not be
12 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
13 period of non-practice.

14 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
15 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
16 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
17 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
18 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

19 Respondent's period of non-practice while on probation shall not exceed two (2) years.

20 Periods of non-practice will not apply to the reduction of the probationary term.

21 Periods of non-practice for a Respondent residing outside of California will relieve
22 Respondent of the responsibility to comply with the probationary terms and conditions with the
23 exception of this condition and the following terms and conditions of probation: Obey All Laws;
24 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
25 Controlled Substances; and Biological Fluid Testing..

26 10. COMPLETION OF PROBATION. Respondent shall comply with all financial
27 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
28 completion of probation. Upon successful completion of probation, Respondent's certificate shall

1 be fully restored.

2 11. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
3 of probation is a violation of probation. If Respondent violates probation in any respect, the
4 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
5 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
6 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
7 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
8 the matter is final.

9 12. LICENSE SURRENDER. Following the effective date of this Decision, if
10 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
11 the terms and conditions of probation, Respondent may request to surrender his or her license.
12 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
13 determining whether or not to grant the request, or to take any other action deemed appropriate
14 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
15 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
16 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
17 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
18 application shall be treated as a petition for reinstatement of a revoked certificate.

19 13. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
20 with probation monitoring each and every year of probation, as designated by the Board, which
21 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
22 California and delivered to the Board or its designee no later than January 31 of each calendar
23 year.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 10/11/2018


PETER JONATHAN ROGERS, M.D.
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 10/11/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
GLORIA L. CASTRO
Senior Assistant Attorney General


STEVE DIEHL
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2017-033770

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Sept 24 20 18
BY D. Richards ANALYST

1 XAVIER BECERRA
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9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
Against:

Case No. 800-2017-033770

12 **PETER JONATHAN ROGERS, M.D.**
13 2618 San Miguel Dr, # 440
14 Newport Beach, CA 92660-5437

FIRST AMENDED ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. A 47822,**

Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in
21 her official capacity as the Executive Director of the Medical Board of California, Department of
22 Consumer Affairs (Board).

23 2. On or about December 4, 1989, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 47822 to Peter Jonathan Rogers, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on July 31, 2019, unless renewed.
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1 symptoms of which were precipitated by his use of an over-the-counter testosterone supplement.
2 The psychiatrist recommended that Respondent remain under psychiatric care as a condition of
3 his continued practice of medicine.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Medical Board of California issue a decision:

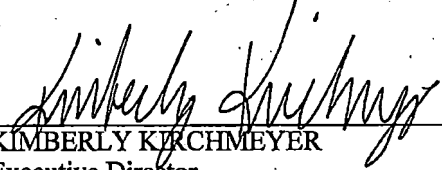
7 1. Revoking or suspending Physician's and Surgeon's Certificate Number A. 47822,
8 issued to Peter Jonathan Rogers, M.D.;

9 2. Revoking, suspending or denying approval of Peter Jonathan Rogers, M.D.'s
10 authority to supervise physician assistants and advanced practice nurses;

11 3. Ordering Peter Jonathan Rogers, M.D., if placed on probation, to pay the Board the
12 costs of probation monitoring; and

13 4. Taking such other and further action as deemed necessary and proper.

14
15 DATED: September 24, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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